

U.S.S.N. 10/604,624

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REMARKS**Introductory Comments:**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated July 8, 2004, claims 1-20 are pending in the application. Claims 1-20 are provisionally rejected under the doctrine of provisional double patenting over co-pending U.S. patent application 10/604,625 based upon 35 U.S.C. 101.

In Response To The Claim Rejection:

Applicants respectfully traverse the rejection and intend to highlight some of the differences between the claimed inventions. Although both applications are drawn to compass devices, they are clearly claiming two different inventions.

As clarified by MPEP 804 (II)(A), if there is an embodiment of the invention that falls within the scope of one claim, but not the other; then identical subject matter is not defined by both claims and statutory double patenting would not exist. In other words:

For example, the invention defined by a claim reciting a compound having a "halogen" substituent is not identical to or substantively the same as a claim reciting the same compound except having a "chlorine" substituent in place of the halogen because "halogen" is broader than "chlorine."

Id.

Differences between the two applications are numerous. One of the more obvious differences is that all of the claims of 10/604,625 require, among other things, a first accelerometer and a second accelerometer. In contrast, all of the claims of the

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present application include merely a single accelerometer. Further, all of the claims of 10/604,625 require a platform, whereas claims of the present invention require a platform and means to rotate the accelerometer relative to the platform (e.g. a rotating beam).

The aforementioned differences become more pronounced when comparing the processor logic of independent claims 1, 15, and 9 from application 10/604,625 and the processor logic of independent claims 1, 11, and 17 of the present invention. The claims of 10/604,625 include rotating the platform in response to an inequality in the two accelerometer signals and generating a compass signal when the accelerometers are equal, whereas the claims of the present invention do not include rotating the platform as a function of accelerometer inequalities. Instead, the present invention includes generating a compass signal as a function of an accelerometer signal and an angular position signal of the accelerometer with respect to the platform. Because 10/604,625 is drawn to an invention leveling a platform through two accelerometers and generating a compass signal whereas the present invention is drawn to generating a compass signal as a function of a single accelerometer rotating independent of the platform, a double patenting rejection can not be maintained.

Because the claims of the two applications differ in scope and required elements, Application 10/604,625 does not anticipate or make obvious the present invention.

In view of the aforementioned remarks, it is respectfully submitted that all pending claims are in a condition for allowance. A notice of allowability is therefore

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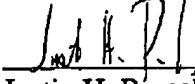
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respectfully solicited. Please charge any fees required in the filing of this Response to Deposit Account 50-0476.

The Examiner is invited to contact the undersigned at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

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